

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JUN 17 2009

**KEITH LEE CARTER,**

Petitioner,

v.

Civil Action No. 3:09CV248

**UNITED STATES OF AMERICA DISTRICT COURT OF VIRGINIA,**

Respondent.

**MEMORANDUM OPINION**

By Memorandum Order entered May 14, 2009, the Court ordered Petitioner to either file a § 2255 motion or file a notice of intent to proceed pursuant to § 2241. On May 26, 2009, the Memorandum Order was returned to the Court by the United States Postal Service marked "RTS - NOT HERE," "RETURN TO SENDER," "ATTEMPTED - NOT KNOWN," and "UNABLE TO FORWARD." Petitioner's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action is DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

/s/  
Richard L. Williams  
United States District Judge

Date: JUN 17 2009  
Richmond, Virginia